

## California State Association of Counties



SENT VIA FACSIMILE (916) 445-0278 AND U.S. MAIL

May 11, 2009

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Ms. Paula Higashi  
Executive Director  
Commission on State Mandates  
900 Ninth Street, Suite 300  
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Re: Proposed Parameters and Guidelines  
*Local Government Employment Relations*, 01-TC-30

Dear Ms. Higashi:

The California State Association of Counties (CSAC) and the League of California Cities (League) submit these joint comments in response to the draft staff analysis and proposed Parameters and Guidelines for the *Local Government Employment Relations* test claim.

CSAC and the League, which represent California's 58 counties and 480 cities respectively, are grateful for the efforts of staff in reviewing and revising the proposed Parameters and Guidelines. This is an important issue for cities and counties, and staff's proposal is very helpful in reimbursing local jurisdictions for their costs of engaging in the Public Employment Relations Board (PERB) process.

CSAC and the League agree with and support the proposed Parameters and Guidelines, but ask for clarification with regard to one issue. Both the Statement of Decision and proposed Parameters and Guidelines are silent on the issue of informal conferences. Under the PERB process, a Board agent may conduct an informal conference to clarify issues and explore the possibility of a voluntary settlement. Cities and counties are not given the option of whether to attend and participate in these informal conferences. Instead, they are "directed to attend" by the Board agent.

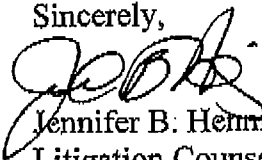
In practice, informal conferences are a routine part of the unfair practices charge process. PERB's guidance on how to file an unfair practice charge notes that the next step after issuance of a complaint is the informal conference. The guidance states that after a Board agent issues a complaint, the case "will then proceed to an

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informal settlement conference.”<sup>1</sup> There is no indication in this guidance or in the Regulations that participation is voluntary or optional. Therefore, CSAC and the League respectfully request that the proposed Parameters and Guidelines be clarified to include as reimbursable costs preparation for and participation in informal conferences.

With this clarification, CSAC and the League believe the proposed Parameters and Guidelines are consistent with the Commission’s Statement of Decision and support adoption.

Sincerely,



Jennifer B. Hemming  
Litigation Counsel

Proof of Service Attached (Cal. Code Regs., tit. 2, § 1181.2)

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<sup>1</sup> PERB’s guidance on how to file an unfair practices charge is available at:  
[www.perb.ca.gov/unfair/bymail.asp](http://www.perb.ca.gov/unfair/bymail.asp)

Proof of Service by Mail  
*California State Association of Counties and League of California Cities Comments*  
*Local Government Employment Relations, 01-TC-30*

I, Jennifer B. Henning, declare:

That I am, and was at the time of the service of the papers herein referred to, over the age of eighteen years, and not a party to the within action; and I am employed in the County of Sacramento, California, within which county the subject mailing occurred. My business address is 1100 K Street, Suite 101, Sacramento, California, 95814. I served the within COMMENTS OF CALIFORNIA STATE ASSOCIATION OF COUNTIES AND LEAGUE OF CALIFORNIA CITIES TO PROPOSED PARAMETERS AND GUIDELINES, *LOCAL GOVERNMENT EMPLOYMENT RELATIONS*, 01-TC-30, by placing a copy thereof in a separate envelope for each addressee named hereafter, addressed to each such addressee as shown on the following page and by placing the envelopes for collection and mailing following our ordinary business practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage prepaid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 11, 2009 at Sacramento, California.

  
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